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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,176	01/21/2004	Rudolph Schoendienst	BRECO 3.0-002	4772

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EXAMINER	
CHARLES, MARCUS	

ART UNIT	PAPER NUMBER
3682	

MAIL DATE	DELIVERY MODE
09/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/762,176

Applicant(s)

SCHOENDIENST, RUDOLPH

Examiner

Marcus Charles

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-28 is/are pending in the application.
- 4a) Of the above claim(s) 21,22 and 29-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-20 and 23-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to the amendment filed 06-25-2007, which has been entered.

Claims 11-34 are currently pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11-12 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Guillen, Jr. et al. (6,123,473). Guillen, Jr. et al disclose a belt comprising a wave glide surface (26) extending in the longitudinal direction of the belt, the wave glide surface having an apex and a base portion, a tracking guide (37) that extend in the longitudinal direction of the belt

In claims 12, the tracking guide (37) has a height that is greater than the apex of the portion of the wave glide.

3. Claims 11-12 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Breher Jr. et al,. Breher et al. discloses a belt comprising a wave glide surface (4/5) extending in the longitudinal direction of the belt, the wave glide surface having an apex (4) and a base portion (5); a tracking guide 26) extending in the longitudinal direction of the belt.

In claims 12, the tracking guide (26) has a height that is greater than the apex of the portion of the wave glide.

In claim 18, note the tracking guide is adjacent the wave glide surface.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breher et al. in view of Macchiarulo et al. (4,708,703)). Breher et al. do not disclose the belt having teeth on the back surface of the belt. Macchiarulo et al. discloses a belt comprising a plurality of teeth (2) on the back surface of the belt, wherein the teeth has ribs (5) and grooves (6). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the belt of Breher et al. so that the belt comprises a plurality of teeth on the back surface in view of White, Jr. in order to increase the flexibility of the belt.

In claim 15, note the tracking guide is adjacent the wave glide surface.

6. Claims 16 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breher et al. in view of Kohn (4,416,649). Breher et al. does not disclose at least one channel provided on the wave glide surface. Kohn discloses a belt having at least one channel (21) in the longitudinal of the belt. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the belt of Breher et al. to include at least a channel on the wave surface in view of Kohn in order to reduce noise.

In claims 19 and 20, Kohn does not disclose the shape of the channel as claimed. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the channels with the claimed shape, since it held that a change in the basic shape of a known apparatus would have been an obvious improvement. In re Dailey, 149 USPQ 47 (CCPA 1976)

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Breher et al. in view of Macchiarulo et al. as applied to claim 11 above, and further in view of Kohn. Breher et al. does not disclose at least one channel provided on the wave glide surface. Kohn discloses a belt having at least one channel (21) in the longitudinal of the belt. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the belt of Breher et al. to include at least a channel on the wave surface in view of Kohn in order to reduce noise.

8. Claims 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breher et al. in view of Macchiarulo et al. and Kohn. Breher et al. does not disclose at least one channel provided on the wave glide surface. Kohn discloses a belt having at least one channel (21) in the longitudinal of the belt. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the belt of Breher et al. to include at least a channel on the wave surface in view of Kohn in order to reduce noise. In addition, Breher et al. do not disclose the belt having teeth on the back surface of the belt. Macchiarulo et al. discloses a belt comprising a plurality of teeth (2) on the back surface of the belt, wherein the teeth has ribs (5) and grooves (6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

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invention to modify the belt of Breher et al. so that the belt comprises a plurality of teeth on the back surface in view of White, Jr. in order to increase the flexibility of the belt.

In claims 24, note the teeth of Macchiarulo et al. extends the lateral sides of the belt.

In claim 25, Breher et al. in view of Macchiarulo et al. discloses the claimed invention in paragraph 7, above.

In claim 26, Breher et al. discloses the claimed invention in paragraph 3, above.

In claim 27, note the slot (7) in the belt of Breher et al.


In claim 28, Breher et al, and kohn disclose the claimed invention above.

Response to Arguments

9. Applicant's arguments with respect to claims 11-28 have been considered but are moot in view of the new ground(s) of rejection.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (571) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ridley Richard can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Marcus Charles
Primary Examiner
Art Unit 3682
September 13, 2007